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6 UNITED STATES DISTRICT COURT FOR THE
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 UNITED STATES OF AMERICA,)

10 Plaintiff,)

11 vs.)

12 ABIDEMI RUFAL,
13 a/k/a Sandy Tong,)

14 Defendant.)

NO. CR21-5186 DWC-BHS-1

DECLARATION OF MICHAEL C.
BARROWS IN RESPONSE TO
THE GOVERNMENT'S
BASELESS SURETY SCHEME
ALLEGATIONS

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16 Pursuant to 28 U.S.C. § 1746, I, Michael C. Barrows, hereby declares as follows:
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18 1. I am co-counsel for Mr. Abidemi Rufai, having been admitted *pro hac vice* by
19 Order of this Court dated June 3, 2021.

20 2. I respectfully submit this declaration in response to the government's wild,
21 unsupported accusations that Mr. Rufai has engaged in a "fraudulent surety scheme" which
22 would now warrant this Court's departure from the Eastern District's learned decision to
23 release Mr. Rufai pending trial on alleged non-violent offenses of wire fraud.
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1 3. As the Indictment makes clear, the damages which Mr. Rufai is alleged to have
2 “caused and *attempted* to cause” is believed to be “in excess of \$350,000.00.” *See* Indictment
3 at ¶ 1 (emphasis added). Curiously, there is no indication in any of the documents filed by the
4 government that Mr. Rufai actually caused *any* monetary loss to the State of Washington, let
5 alone losses in the speculative sum of \$350,000.00.
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7 4. Notwithstanding, the government has gone through great lengths to challenge
8 Mr. Rufai’s pre-trial release, submitting not one, but *two* memorandums in further support of
9 their application for a *de novo* review of the Eastern District of New York’s determination that
10 the government “has not established its burden to prove that there are no conditions or
11 combination of conditions that can secure his presence in the jurisdictions to face these
12 charges.” *See* Transcript of Proceeding dated May 19, 2021 at page 17, lines 12-17.
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14 5. A review of the government’s most recent memorandum, purporting to depict
15 Mr. Rufai’s informal and innocuous conversation with his brother - where the each refer to the
16 surety as “lady” - as evidence of a “fraudulent surety scheme” is both self-serving and
17 unsupported by the transcripts themselves. Nothing contained in the transcript of that
18 conversation indicates that the defendant was unfamiliar with Ms. Nekpen Soyemi or that the
19 “defense’s presentation of the surety as a friend of Rufai was false.” *See* Government
20 Memorandum dated June 23, 2021 at page 2, lines 16.
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22 6. The government’s reliance upon the statement that the surety has “only been to
23 Nigeria once” as an indication that she was not a family friend of Mr. Rufai is intentionally
24 misleading. A review of the proceedings indicates that Ms. Soyemi’s *family* (not Ms. Soyemi
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1 herself, who was born in Brooklyn) came from the same area in Nigeria as that of Mr. Rufai,
2 that she attended the christening of Mr. Rufai's son *in New York* five years prior to the
3 indictment, and that Mr. Rufai regularly visited her when he traveled to *New York*.

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5 7. The government's position that "Mr. Rufai did not even know [Ms. Soyemi]
6 and did not know basic biographical information about her" (*id.* at page 3, lines 6-7) is an
7 absolute fabrication and cannot be found anywhere in the transcript of conversation between
8 Mr. Rufai and his brother. At no point in the conversation did Mr. Rufai indicate that he did
9 not know Ms. Soyemi. This is pure fiction, and is a further indication that the government will
10 say anything, supportable or not, in an effort to keep Mr. Rufai incarcerated pending his trial
11 so as to exert maximum pressure.

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13 8. The Court should be reminded that Mr. Rufai has no criminal record
14 whatsoever, is a respected member of his country's government, and the crimes alleged herein
15 are non-violent in nature. Candidly, it would seem that the government has chosen to offer
16 intentionally false and/or misleading information in an effort to exaggerate the crimes alleged
17 while tarnishing the reputation of a well-respected Nigerian government official.

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19 9. It is further submitted that the government's intentional mischaracterizations of
20 both Mr. Rufai's conversation with his brother, and the nature of his relationship with the
21 proffered surety, demonstrates the underlying weakness of the government's position *vis-a-vis*
22 their request for review of the Eastern District's decision to grant Mr. Rufai's pre-trial release;
23 especially in light of Mr. Rufai's willingness to go above and beyond the recommendations of
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1 Pre-Trial Services to include the posting of a bond and his willingness to be fitted with an
2 electronic monitoring device.

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4 10. The government's further claim that Mr. Rufai's statement to his brother that
5 "the money is available" somehow indicates that Mr. Rufai "has significant assets. . . which he
6 is willing to use however he can to secure his own release" (*id.* at page 3, lines 7-8) is equally
7 unsupported by the record, yet offered as fact. In actuality, Mr. Rufai's statement "that money
8 is available" is indicative of the fact that he has the support of caring friends and family that
9 he can call upon should this Court require a bond.

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11 11. It is further suggested that despite the fact that this conversation took place in
12 English, English is not Mr. Rufai's native language - a fact which the government is
13 intentionally playing upon in suggesting such nuanced meaning.

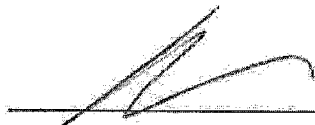
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15 12. While the defense is mindful of the fact that this application is a *de novo* review
16 of the New York Eastern District Court's approval of pre-trial release, it is respectfully
17 submitted that the government's "new information" is nothing more than an unabashed
18 "eleventh hour" attempt provide this Court with justification to come to a different conclusion
19 based upon nothing more than conjecture and supposition.

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21 13. Stated differently, the government is offering this Court nothing more,
22 substantively speaking, than what was already offered to the Eastern District of New York.

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14. I declare under penalty of perjury, that the foregoing is true and correct.

Executed on this 24th day of June, 2021 at Garden City, New York.



Michael C. Barrows

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CERTIFICATE OF SERVICE

Lee Ann Mathews, hereby certifies under penalty of perjury under the laws of the State of Washington, that on the date set forth below, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys of record for the plaintiff and co-defendants, if any, and hereby certify that I have mailed the document by U.S. Postal Service to Abidemi, Rufai, defendant.

Signed at Tacoma, Washington this 24 day of June, 2021.

/s/ Lee Ann Mathews
LEE ANN MATHEWS